

City Clerk File No. Ord. 13.118

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.118

**TITLE: AN ORDINANCE OF THE CITY OF JERSEY CITY, IN
THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING
FOR A SPECIAL EMERGENCY APPROPRIATION OF
\$9,500,000 FOR THE PAYMENT OF CONTRACTUALLY
REQUIRED SEVERANCE LIABILITIES RESULTING
FROM THE RETIREMENT OF CITY EMPLOYEES**

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for contractually required severance liabilities resulting from the retirement of City employees; and

WHEREAS, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City") has determined to authorize a special emergency appropriation to provide for the payment of contractually required severance liabilities resulting from the retirement of City employees; and

WHEREAS, the estimated cost of the payment of the required severance liabilities is \$9,500,000; NOW THEREFORE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$9,500,000 is hereby appropriated for the payment by the City of contractually required severance liabilities resulting from the retirement of City employees, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55.

Section 2. The portion of the authorization financed shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance and financed and as provided in N.J.S.A. 40A:4-55.

Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect upon final passage and publication as required by law.

**AN ORDINANCE OF THE CITY OF JERSEY CITY, IN
THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING
FOR A SPECIAL EMERGENCY APPROPRIATION OF
\$9,500,000 FOR THE PAYMENT OF CONTRACTUALLY
REQUIRED SEVERANCE LIABILITIES RESULTING
FROM THE RETIREMENT OF CITY EMPLOYEES**

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED:

APPROVED:

Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.118

TITLE: 3.A OCT 23 2013 4.A

NOV 13 2013

An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for a special emergency appropriation of \$9,500,000 for the payment of contractually required severance liabilities resulting from the retirement of City Employees.

RECORD OF COUNCIL VOTE ON INTRODUCTION OCT 23 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING NOV 13 2013 8-0											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALCER
JOSEPH KRAJNICK
RIAZ WAHID
MIA SCANGA
JAYSON BURG
KABILI TAYARI
LYDIA RADIN
ESTHER WINTNER

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE NOV 13 2013 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on

OCT 23 2013

Adopted on second and final reading after hearing on

NOV 13 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **NOV 13 2013**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date

NOV 13 2013

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date

NOV 14 2013

Date to Mayor

NOV 14 2013



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.119

TITLE: A Franchise Ordinance granting permission to 110 FIRST STREET URBAN RENEWAL ASSOCIATES, LLC, its successors and assigns, to improve and use that approximately ten (10) foot portion of the public right-of-way between the sixty (60) foot right-of-way adjacent to Second Street and Lot 42, Block 11603, on the official tax assessment map of the City of Jersey City for the installation of underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems, which encroach ten (10) feet onto the public right-of-way along Second Street.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, 110 FIRST STREET URBAN RENEWAL ASSOCIATES, LLC (the "Petitioners") have filed a Petition with the Municipal Council of the City of Jersey City, requesting a franchise within the Second Street right-of-way as more particular described on the written description and sketch prepared by Langan Engineering attached hereto and made a part hereof as Exhibit "A", said Petition and Survey being on file with the office of the City Clerk; and

WHEREAS, the Petitioners are the owners of Lot 42 in Block 11603 (the "Property"); and

WHEREAS, currently the proposed franchise area is a public sidewalk; and

WHEREAS, the Petitioners received Preliminary and Final Site Plan approval from the Jersey City Planning Board on July 9, 2013 to construct a 35 story high rise development consisting of 451 dwelling units, 15,681 sq. ft. of retail space and 358 parking spaces; and

WHEREAS, the franchise area would allow for the required construction of underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems; and

WHEREAS, the area in question is located between the sixty (60) foot right-of-way adjacent to Second Street and Lot 42, Block 11603 on a currently existing ten (10) foot public sidewalk. In order to install underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems, the Petitioners request permission to use the ten (10) foot portion of existing ten (10) foot public sidewalk along Second Street and adjacent to Lot 42 Block 11603.

WHEREAS, Petitioners, their successors and assigns, have made application to the Municipal Council of the City of Jersey City by written Petition for the franchise herein referred to:

NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

SECTION 1: Permission is hereby granted to Petitioners, their heirs and successors, to install underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems in the existing ten (10) foot public sidewalk as more particularly delineated in Exhibit A along Second Street adjacent to Lot 42 Block 11603.

SECTION 2: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION 3: Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioners have the right to assign or otherwise transfer their rights under this Franchise Ordinance.

SECTION 4: In accepting the privileges under this ordinance and in the maintenance and the use herein authorized, Petitioners, their successors and/or assigns shall agree to assume full, complete, and undivided responsibility for any and all injury and damages to persons or property by reason of such maintenance and use and to indemnify and hold the City of

Jersey City harmless from any injury or damage to persons or property by reason of such maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance.

- a) Petitioners, their successors and/or assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey, its officers and employees as additional insured, covering the use and occupancy of the franchise portion of Second Street. A Certificate of Insurance, in the amount of \$1,000,000.00 and in a form deemed acceptable by the City's Risk Manager, shall be delivered to the City's Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance commences.

SECTION 5: After construction, there shall remain no damage to the area or interference with the free and safe flow of pedestrians. The Petitioners shall maintain all improvements installed by them for the entire term of the franchise at no cost to the City of Jersey City.

SECTION 6: The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioners.

SECTION 7: The Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioners with the City Clerk.

SECTION 8: In the event that the Petitioners shall not file with the City Clerk, their acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 9: For the Franchise herein granted, the Petitioners shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office in City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

SECTION 10: This Franchise Ordinance shall be subject to the following conditions:

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the benefit of the City of Jersey City and all public utility companies for the purpose operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's, or public utility companies', use or operation of water, sewer or utility lines.
- b) No building or structure of any kind may be construed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.
- c) The Petitioners shall install underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems in the existing ten (10) foot public sidewalk as more particularly delineated in Exhibit A along Second Street adjacent to Lot 42 Block 11603.
- A) All Ordinances and parts of Ordinance inconsistent herewith are hereby repealed.
- B) This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C) This Ordinance shall take effect at the same time and in the manners provided by law.
- D) The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of the existing provisions.

Note: All material is new; therefore, underlining has been omitted. For the purposes of advertising only, new material is indicated by bold face and repealed matter by italic.

G:\WPDOCS\TOLONDA\Franchise Ordinance Correspondence\110 First Street Urban Renewal Associates, LLC\2013\petition franchise ordinance (3).docx

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

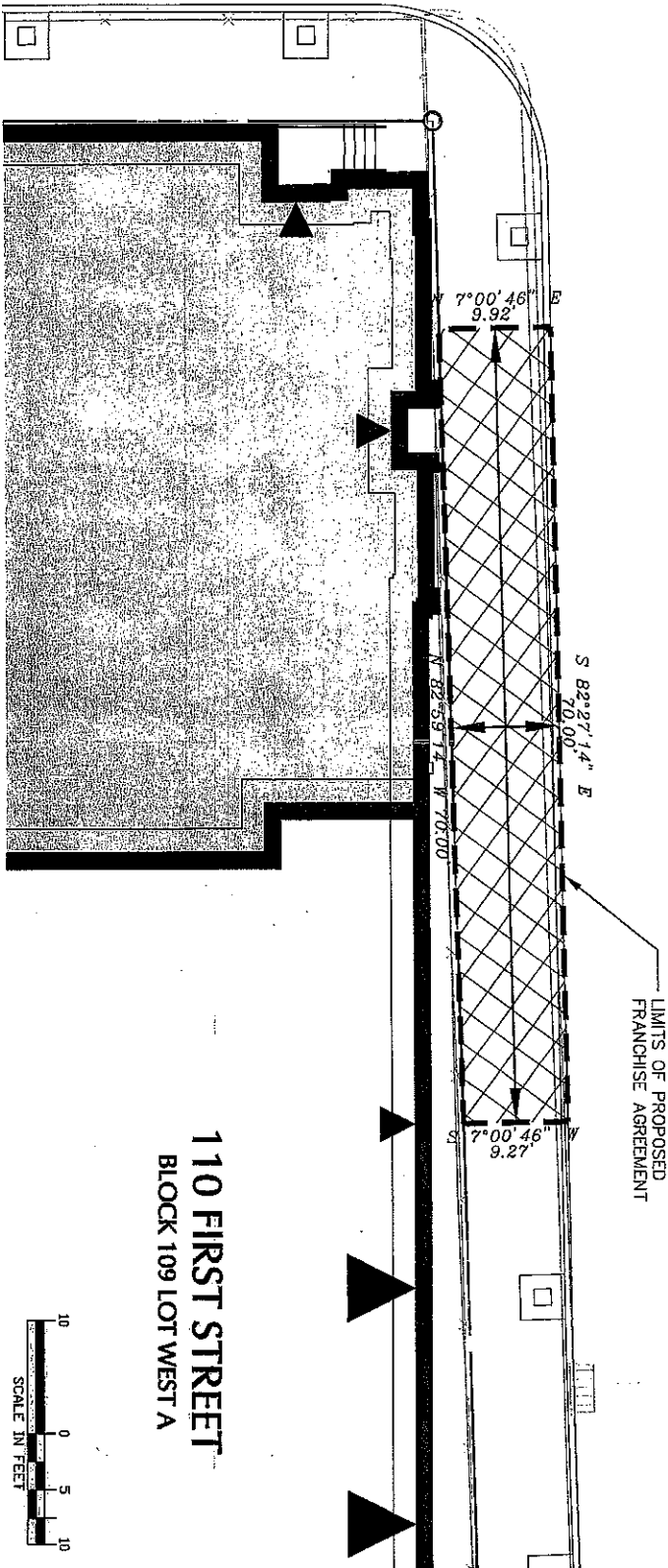
WARREN STREET

60.00' R.O.W.
(TWO WAY)

SECOND STREET

60.00' R.O.W.

(ONE WAY)



110 FIRST STREET
BLOCK 109 LOT WEST A



Michael J. Bomler
MICHAEL J. BOMLER
PROFESSIONAL ENGINEER N.J. Lic. No. 32398
DATE 07/12/2013

LANGAN
New Drive Center 1, 619 River Drive
Brimwood Park, NJ 07007
Tel: 201-794-0800 Fax: 201-794-0808 www.langan.com
Langan Engineering, Environmental, Planning and
Construction Services, Inc.
Langan International LLC
Collectively known as Langan
N.J. CERTIFICATE OF AUTHORIZATION No. 2602799003

Project
110 FIRST STREET
JERSEY CITY, NEW JERSEY
HUDSON COUNTY
NEW JERSEY

Drawing Title
SECOND STREET
FRANCHISE
AGREEMENT

Project No. 9201401
Date 07/18/2013
Scale 1"=10'
Drawn By AT
Submission Date
Drawing No. F-1

PETITION

TO: THE HONORABLE MAYOR AND MUNICIPAL
COUNCIL OF THE CITY OF JERSEY CITY

Your petitioner, 110 First Street Urban Renewal Associates, LLC (the "Petitioner"), being the owner of 110 First Street, Jersey City, New Jersey, their successors and assigns, having offices at 417 Fifth Avenue, 4th Floor, New York, New York 10016:

1. The Petitioner owns the real property in the City of Jersey City as follows:

Block: 11603, Lot: 42

Known as 110 First Street, Jersey City, New Jersey (the "Property").

2. A new 35 story building containing 451 residential dwelling units, 15,681 square feet of retail and 358 onsite parking spaces (the "Project") is currently being developed on the Property.

3. On January 29, 2008, Petitioner received preliminary major site plan approval from the Planning Board of the City of Jersey City for the Project.

4. In connection with the development of the Project, the Petitioner is required to install underground backflow preventers and house traps 7.5'x 5' vaults for its sanitary and storm sewer systems (the "Improvement"). The Improvements will be located within the Second Street right-of-way and is located as more particularly described in the written description prepared by Langan Engineering and dated July 17th, 2013 attached hereto as Exhibit A (the "Franchise Area"). Petitioner requests permission to use the Franchise Area to construct and maintain the Improvement.

WHEREFORE, Petitioners respectfully request for themselves, their successors and assigns, permission to use the Franchise Area within the Second Street right-of-way as more particularly described on the written description prepared by Langan Engineering attached hereto and made a part hereof as Exhibit A.

110 First Street Urban Renewal Associates, LLC

By:

Title:

Date:

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.119

TITLE: 3.B OCT 23 2013 4.B

NOV 13 2013

A Franchise Ordinance granting permission to 110 First Street Urban Renewal Associates, LLC, its successors and assigns, to improve and use that approximately ten (10) foot portion of the public right-of-way between the sixty (60) foot right-of-way adjacent to Second Street and Lot 42, Block 11603, on the official tax assessment map of the City of Jersey City for the installation of underground backflow preventers, house traps 7/5' x 5' vaults for its sanitary and storm sewer systems, which encroach ten (10) feet onto the public right-of-way along Second Street

RECORD OF COUNCIL VOTE ON INTRODUCTION

OCT 23 2013 9-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING

NOV 13 2013

Councilperson RIVERA moved, seconded by Councilperson WATTERMANN to close P.H.

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY

Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE

NOV 13 2013 8-0

COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

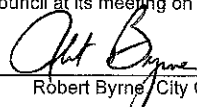
✓ Indicates Vote

N.V.--Not Voting (Abstain)

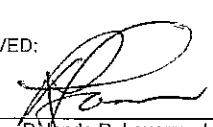
Adopted on first reading of the Council of Jersey City, N.J. on **OCT 23 2013**

Adopted on second and final reading after hearing on **NOV 13 2013**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **NOV 13 2013**

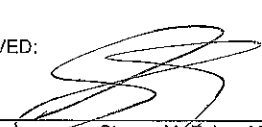

Robert Byrne, City Clerk

APPROVED:


Rolando R. Lavarro, Jr., Council President

Date **NOV 13 2013**

APPROVED:


Steven M. Fulop, Mayor

Date **NOV 14 2013**

Date to Mayor **NOV 14 2013**

*Amendment(s):

City Clerk File No. Ord. 13.120
Agenda No. 3.C 1st Reading
Agenda No. 4.C 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.120

TITLE:

AN ORDINANCE TO PROVIDE FOR THE DESIGNATION OF PUBLIC PROPERTY WITHIN SPECIFIED AREAS OF THE CITY OF JERSEY CITY AS A TEMPORARY "LEAN ZONE DURING THE TIME PERIOD BEGINNING AT SIX O'CLOCK (6:00) A.M. ON MONDAY, JANUARY 27, 2014 AND ENDING AT SIX O'CLOCK (6:00) P.M. ON TUESDAY, FEBRUARY 4, 2014, RELATIVE TO THE USE OF THESE AREAS IN CONJUNCTION WITH THE 2014 NATIONAL FOOTBALL LEAGUE'S SUPER BOWL XLVIII RELATED ACTIVITIES AND EVENTS; TO PROVIDE FOR THE TEMPORARY SUSPENSION OF CERTAIN PERMITS AND BUSINESS AND/OR COMMERCIAL ACTIVITY IN THE CLEAN ZONE AREA

COUNCIL offered and move adoption of the following ordinance:

WHEREAS, the dates of the 2014 National Football League's Super Bowl XLVIII and related events has been established as Monday, January 27, 2014 through Tuesday, February 4, 2014; and

WHEREAS, this event will attract thousands of visitors to the City of Jersey City and provide the city with national and international exposure from around the world; and

WHEREAS, the 2014 National Football League's Super Bowl XLVIII and related events will have a tremendous positive economic impact on the City of Jersey City and the State of New Jersey; and

WHEREAS, given the thousand of visitors, dignitaries, and media personnel who will be in attendance, it is necessary that certain areas in and around events related to the 2014 National Football League's Super Bowl XLVIII, be regulated and controlled to provide for the public health, safety, and welfare of the above mentioned participants so that the maximum benefit and enjoyment of all that the 2014 National Football League's Super Bowl XLVIII events have to offer may be enjoyed by all; and

WHEREAS, the two teams competing in the 2014 National Football League's Super Bowl XLVIII will be staying in hotels in Jersey City; and

WHEREAS, in conjunction with the Super Bowl XLVIII the National Football League will be conducting related activities with the two Super Bowl team in the City of Jersey City; and

WHEREAS, to that end, it is necessary to establish Clean Zone area for the temporary time periods and within the specified boundaries designated in this ordinance; now therefore

THE COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS,

SECTION 1. That there is hereby established a Clean Zone as follows:

- a. **BEGINNING** at the intersection of the centerlines of Luis Munoz Marin Boulevard and Second Street in the Downtown section of Jersey City, thence running:

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.120

TITLE: 3.C OCT 23 2013 4.C

NOV 13 2013

An ordinance to provide for the designation of public property within specified areas of the City of Jersey City as a temporary "Clean Zone" during the time period beginning at six o'clock (6:00) a.m. on Monday, January 27, 2014 and ending at six o'clock (6:00) p.m. on Tuesday, February 4, 2014, relative to the use of these areas in conjunction with the 2014 National Football League's Super Bowl XLVIII related activities and events; to provide for the temporary suspension of certain permits and business and/or commercial activity in the Clean Zone area.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
								OCT 23 2013			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
								NOV 13 2013			
Councilperson <u>COLEMAN</u>				moved, seconded by Councilperson <u>LAVARRO</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

JAYSON BURG

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson				moved to amend* Ordinance, seconded by Councilperson				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
								NOV 13 2013			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on **OCT 23 2013**
 Adopted on second and final reading after hearing on **NOV 13 2013**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **NOV 13 2013**

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **NOV 13 2013**

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date **NOV 14 2013**
 Date to Mayor **NOV 14 2013**

City Clerk File No. Ord. 13.121

Agenda No. 3.D 1st Reading

Agenda No. 4.D 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.121

TITLE:

**AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTIES OWNED
BY THE JERSEY CITY REDEVELOPMENT AGENCY WITHIN THE MORRIS
CANAL REDEVELOPMENT PLAN AREA TO THE CITY OF JERSEY CITY
FOR THE CREATION OF BERRY LANE PARK**

WHEREAS, the Jersey City Redevelopment Agency (JCRA) is the owner of certain parcels of real property located in Blocks 18901 and 19803 known and designated as:

<u>Property Address</u>	<u>Block #</u>	<u>Lot #</u>
990 Garfield Avenue	18901	1
1000 Garfield Avenue	18901	2
75 Woodward Street	19803	3
65 Woodward Street	19803	4
Woodward Street	19803	5
942 Garfield Avenue	19803	8
944 Garfield Avenue	19803	9
946 Garfield Avenue	19803	10
948 Garfield Avenue	19803	11
960-958 Garfield Avenue	19803	12
964 Garfield Avenue	19803	13
966 Garfield Avenue	19803	14
968 Garfield Avenue	19803	15
Inside Garfield Avenue	19803	21

located within the Morris Canal Redevelopment Area, situated in the City of Jersey City, Hudson County, New Jersey (hereinafter "Properties"); and

WHEREAS, the Properties were acquired by the JCRA for the purpose of constructing a facility to be known as Berry Lane Park; and

WHEREAS, the JCRA desires to convey title to the Properties to the City of Jersey City (City) which will maintain Berry Lane Park; and

WHEREAS, the JCRA is authorized to convey the properties to the City pursuant to N.J.S.A. 40A:12A-8 and 22; and

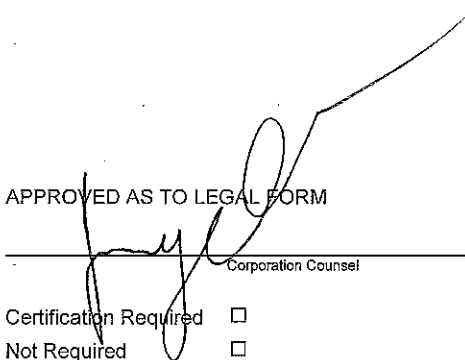
WHEREAS, the City is authorized to acquire properties from the JCRA with or without consideration pursuant to N.J.S.A. 40A:12-39(a) and N.J.S.A. 40A:12-13(b)(1)

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The acquisition of certain lands designated on Jersey City's official Tax Assessment Map as Block 18901, Lots 1 and 2; and Block 19803, Lots 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15 and 21 within the Morris Canal Redevelopment Plan Area from the Jersey City Redevelopment Agency is hereby approved.

2. The Business Administrator is authorized to execute a contract for sale, accept a Deed from the Jersey City Redevelopment Agency and execute any documents deemed necessary or appropriate by Corporation Counsel to effectuate the acquisition of the Properties from the Jersey City Redevelopment Agency, subject to receipt of a clear title report and a remediation plan approved by the New Jersey Department of Environmental Protection.
- A. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of the Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM



Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____



Business Administrator

ORDINANCE/RESOLUTION FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full Title of Ordinance/Resolution/Cooperation Agreement:

AN ORDINANCE AUTHORIZING THE TRANSFER OF PROPERTIES OWNED BY THE JERSEY CITY REDEVELOPMENT AGENCY WITHIN THE MORRIS CANAL REDEVELOPMENT PLAN AREA TO THE CITY OF JERSEY CITY FOR THE CREATION OF BERRY LANE PARK

2. Name and Title of Person Initiating the Ordinance/Resolution, etc.:

Benjamin Delisle, Director of Development, Jersey City Redevelopment Agency (201-761-0822)

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:

This Ordinance will authorize the Jersey City Redevelopment Agency ("Agency"), its agents or assigns to transfer Agency-owned property located within Blocks 18901 & 19803 of the Morris Canal Redevelopment Plan, as adopted by the Municipal Council of the City of Jersey City in March 1999, to the City of Jersey City to facilitate the development of Berry Lane Park.

4. Reasons (Need) for the Proposed Program, Project, etc:

The Jersey City Redevelopment Agency has been charged with the responsibility of acquiring properties in the subject area to effectuate the rehabilitation, redevelopment and revitalization initiatives of the Morris Canal Redevelopment Plan Area. The Jersey City Redevelopment Agency acquired these properties for the creation of Berry Lane Park.

5. Anticipated Benefits to the Community:

Revitalization of an area determined to be an area in need of redevelopment with the creation and construction of a facility to be known as Berry Lane Park.

6. Cost of Proposed Program, Project, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions.):

No cost to the City.

7. Date Proposed Program or Project will Commence:

Upon adoption of this Ordinance.

8. Anticipated Completion Date:

Approximately six (6) months from commencement.

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Benjamin Delisle, Director of Development, Jersey City Redevelopment Agency

10. Additional Comments:

I certify that all the facts presented herein are accurate.

JERSEY CITY REDEVELOPMENT AGENCY

Christopher Fiore

Christopher Fiore, Asst. Executive Director

10/1/13
Date



INTER - OFFICE MEMORANDUM

TO: Annemarie Miller, Real Estate Department

FROM: Benjamin Delisle, Director of Development *BD*

DATE: October 1, 2013

SUBJECT: Jersey City Redevelopment Agency to City of Jersey City
Block 18901, Lots 1 and 2;
Block 19803, Lots 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15 and 21
Morris Canal Redevelopment Area

Enclosed please find Ordinance authorizing the transfer of title to the properties referenced above from the Jersey City Redevelopment Agency (Agency) to the City of Jersey City (City.) The conveyance was approved at our September 17, 2013 Board of Commissioners meeting. Properties are further described on the attached Schedule "A".

The above properties were acquired by the Agency for the purpose of constructing a facility to be known as Berry Lane Park, which the City will maintain upon completion of the transfer.

Please have the ordinance introduced at the next available Council meeting.

Please contact me at 201-761-0822 if you have any questions regarding the above. Thank you.

BD/mm
Enclosures

c: Jeremy Farrell
Diana Jeffrey
John Thieroff
Vivian Brady-Phillips
Robert P. Antonicello
Christopher Fiore

SCHEDULE "A"
Properties in Blocks 18901 & 19803

<u>Property Address</u>	<u>Block #</u>	<u>Lot #</u>
990 Garfield Avenue	18901	1
1000 Garfield Avenue	18901	2
75 Woodward Street	19803	3
65 Woodward Street	19803	4
Woodward Street	19803	5
942 Garfield Avenue	19803	8
944 Garfield Avenue	19803	9
946 Garfield Avenue	19803	10
948 Garfield Avenue	19803	11
960-958 Garfield Avenue	19803	12
964 Garfield Avenue	19803	13
966 Garfield Avenue	19803	14
968 Garfield Avenue	19803	15
Inside Garfield Avenue	19803	21

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.121

TITLE: 3.D OCT 23, 2013 4.D NOV 13 2013

An ordinance authorizing the transfer of properties owned by the Jersey City Redevelopment Agency within the Morris Canal Redevelopment Plan Area to the City of Jersey City for the creation of Berry Lane Park.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 23 2013 9-0-											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
NOV 13 2013 8-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

LA VERN WASHINGTON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
NOV 13 2013 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 23 2013

Adopted on second and final reading after hearing on NOV 13 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 13 2013

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date NOV 13 2013

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor

Date

Date to Mayor NOV 14 2013

City Clerk File No. Ord. 13.122

Agenda No. 3.A. 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE "REDEVELOPMENT AREA BOND FINANCING LAW" AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS HEREINAFTER RECORDED

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.122

TITLE:
ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH JOURNAL SQUARE I URBAN RENEWAL LLC AND OTHER APPLICABLE DOCUMENTS RELATED TO THE AUTHORIZATION AND ISSUANCE BY THE JERSEY CITY REDEVELOPMENT AGENCY OF NOT TO EXCEED \$10,000,000 REDEVELOPMENT AREA BONDS (NON-RECOURSE TO THE FULL FAITH AND CREDIT OF THE CITY) AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, on September 11, 2013, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City"), adopted Ordinance No. 13-092, which designated various properties, including, but not limited to, Block 9501, Lots 4 (621 Pavonia Avenue), 5 (619 Pavonia Avenue), 6 (617 Pavonia Avenue), 7 (615 Pavonia Avenue), 8 (605 Pavonia Avenue), 10 (601 Pavonia Avenue), 11 (597 Pavonia Avenue), 12 (595 Pavonia Avenue), 13 (539 Summit Avenue), 14 (537 Summit Avenue), 15 (535 Summit Avenue), and 16 (136 Magnolia Avenue) as shown on the official current tax map of the City, as an area in need of redevelopment (the "Redevelopment Area" and also referred to as the "Project Premises") for purposes of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Pamphlet Laws of 1992 of the State of New Jersey (the "State"), and the acts amendatory thereof and supplemental thereto (the "Redevelopment Law", as codified by N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on July 14, 2010, the Municipal Council of the City adopted Ordinance No. 10-103, approving a redevelopment plan for the Redevelopment Area, entitled "Journal Square 2060 Redevelopment Plan" as the same may be amended and supplemented from time to time (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Area is governed by the Redevelopment Plan; and

WHEREAS, Journal Square Associates LLC ("JSA" or the "Redeveloper") is the fee title owner of the Project Premises; and

WHEREAS, the Redeveloper has made application to the Jersey City Redevelopment Agency (the "Agency") to be designated as the redeveloper to redevelop the Project Premises; and

WHEREAS, the Agency has reviewed the proposal of the Redeveloper and related submissions and has determined that it is in the Agency's best interests to select the Redeveloper as the designated redeveloper for the Project Premises for purposes of negotiating an agreement for the redevelopment of the designated area; and

WHEREAS, the Redeveloper will record a Master Deed (as the same may be amended and supplemented, the "Master Deed") to submit all of the Project Premises to the condominium form of ownership and incorporate the same as part of a condominium regime under the New Jersey Condominium Act, N.J.S.A. 46:8B-1 et seq., to be known as "Journal Squared Condominium"; and

WHEREAS, the Master Deed will create three (3) condominium units with land (common elements) proportioned to the total square footage or units in each condominium unit; and

WHEREAS, Journal Square I Urban Renewal LLC ("JS I"), wholly-owned by JSA, is or will be the owner of master condominium unit 1 located on the Project Premises, upon which JS I plans to construct phase I of the redevelopment plan, which is expected to consist of a 54-story building having approximately 540 market-rate residential rental units, approximately 4,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 153 parking spaces, together with a pedestrian mall and public improvements and infrastructure related thereto, and will utilize an interim surface parking lot having approximately 74 parking spaces located on the adjoining Phase II property (collectively, the "Phase I Project"); and

WHEREAS, Journal Square II Urban Renewal LLC ("JS II"), wholly-owned by JSA, is or will be the owner of master condominium unit 2 located on the Project Premises, upon which JS II plans to construct phase II of the redevelopment plan, which is expected to consist of a 70-story building having approximately 700 market-rate residential rental units, approximately 18,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 522 parking spaces (collectively, the "Phase II Project"); and

WHEREAS, Journal Square III Urban Renewal LLC ("JS III"), wholly-owned by JSA, is or will be the owner of master condominium unit 3 located on the Project Premises, upon which the Entity plans to construct phase III of the redevelopment plan, which is expected to consist of a 60-story building having approximately 600 market-rate residential rental units, approximately 14,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 245 parking spaces (collectively, the "Phase III Project" and, together with the Phase I Project and Phase II Project, the "Project"); and

WHEREAS, the Redevelopment Area requires certain on-site and off-site public improvements and infrastructure, including a pedestrian mall, certain of which will be undertaken by the Redeveloper in connection with the Phase I Project, but which benefit the entire Project, including, if and when completed, the Phase II Project and Phase III Project; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-66, a municipality that has designated a redevelopment area may provide for tax exemption within that redevelopment area and for payments in lieu of taxes in accordance with the provisions of the Long Term Tax Exemption Law of 1992, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State of New Jersey, and the Acts amendatory thereof and supplemental thereto (the "Tax Exemption Law", as codified in N.J.S.A. 40A:12A-1 et seq.); provided, however, that the provisions of section 12 of the Tax Exemption Law (N.J.S.A. 40A:20-12) establishing a minimum or maximum annual service charge and requiring staged increases in annual service charges over the term of the exemption period, and of section 13 of the Tax Exemption Law (N.J.S.A. 40A:20-13) permitting the relinquishment of status under that law, shall not apply to redevelopment projects financed with bonds; and

WHEREAS, pursuant to the Tax Exemption Law, the City is authorized to provide for tax exemption within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, JS I, the contract purchaser of condominium unit 1, under the agreement dated September 25, 2013, has submitted an application to the City for the approval of Phase I Project, as such term is used in the Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the "Exemption Application", a copy of which is attached hereto as Exhibit A); and

WHEREAS, included in the Exemption Application is a request for a tax exemption and payment in lieu of taxes pursuant to the Tax Exemption Law and the Redevelopment Bond Law; and

WHEREAS, the Exemption Application contains documentation evidencing financial responsibility and capability with respect to the proposed development; estimated total development costs; estimated time schedule for start and completion of the proposed development; and conceptual plans; and

WHEREAS, the City evaluated the Exemption Application according to criteria which included financial capabilities, experience, expertise, and project concept descriptions; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City will enter into a Financial Agreement with JS I, governing payments made to the City in lieu of real estate taxes on the Phase I Project pursuant to the Tax Exemption Law (the "Financial Agreement"); and

WHEREAS, to finance certain aspects of the Project, the Jersey City Redevelopment Agency (the "Agency") will issue bonds in an aggregate principal amount of up to \$10,000,000 (the "Redevelopment Area Bonds") pursuant to the Redevelopment Bond Law, debt service for the repayment of which Redevelopment Area Bonds will come from the Pledged Annual Service Charge (as that term is defined in the Financial Agreement attached hereto); and

WHEREAS, the City and JS I have each agreed that the Base Annual Service Charge (as that term is defined in the Financial Agreement attached hereto), which is not pledged to the payment of debt service on the Redevelopment Area Bonds, paid by JS I to the City shall be for the City's use in its sole discretion, following payment of the "County Service Charge" (as such term is defined in the Agreements attached hereto) to the County of Hudson, as required by N.J.S.A. 40A:20-12; and

WHEREAS, the City made the following findings:

In accordance with the Tax Exemption Law, specifically N.J.S.A. 40A:20-11, the City hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because the Agreement allows for the development of a blighted site into a productive, useful and job-creating property, and further:

- (a) The costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of the Phase I Project of \$203,679,187 and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 710 jobs during the construction period and (iii) the creation of approximately 25 permanent jobs through the permanent operation of the Improvements.
- (b) Without the tax exemption granted herein it is highly unlikely that the Phase I Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available; and

WHEREAS, in order to set forth the terms and conditions under which JS I and the City (the "Parties") shall carry out their respective obligations with respect to (a) payment of the Annual Service Charge (as that term is defined in the Financial Agreement attached hereto) by JS I in lieu of real property taxes, and (b) issuance of the Redevelopment Area Bonds by the Agency and provision for repayment thereof by JS I (subject to adjustment as provided in the Financial Agreement), the Parties have determined to execute the Financial Agreement; and

WHEREAS, JS I is qualified to do business under the provisions of the Tax Exemption Law, and has submitted to the Mayor the Exemption Application, which is on file with the Office of the City Clerk, requesting a tax exemption for the Phase I Project; and

WHEREAS, the Mayor has submitted the Exemption Application and Financial Agreement to the Municipal Council with his written recommendation of approval (the "Mayor's Recommendation"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Financial Agreement contemplates that the Annual Service Charge will be paid in three (3) categories: the Base Annual Service Charge, to be retained (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS I to the City for remittance by the City to Hudson County by the City for Municipal Services as set forth in the Tax Exemption Law; and the Pledged Annual Service Charge, said payments (subject to adjustment as provided in the Financial Agreement) to be dedicated to debt service on the Redevelopment Area

Bonds issued to support certain costs of the Project, pursuant to Redevelopment Bond Law (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS I to the City for remittance by the City to Hudson County; and

WHEREAS, pursuant to the Redevelopment Bond Law, the City, in the exercise of its power under the Redevelopment Bond Law, may enter into contracts as necessary, for the purpose of securing the Redevelopment Area Bonds to finance the Project; and

WHEREAS, the Redevelopment Bond Law requires the approval of the New Jersey Local Finance Board prior to the issuance of financial instruments such as the Redevelopment Area Bonds where such financial instruments are to be secured by payments in lieu of taxes such as the Pledged Annual Service Charges (subject to adjustment as provided in the Financial Agreement); and

WHEREAS, the City believes that (a) it is in the public interest for JS I to undertake the Phase I Project; (b) the Phase I Project is for the health, welfare, convenience or betterment of the inhabitants of the City; (c) the amounts to be expended by the City for said Phase I Project are not unreasonable or exorbitant; and (d) the Phase I Project is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City further wishes to approve the execution and delivery of a Pledge and Assignment Agreement with the Agency and/or its bond trustee (the "Pledge Agreement"), which Pledge Agreement will provide for, *inter alia*, the pledge and assignment of the Pledged Annual Service Charge to the Agency or its bond trustee as security for the payment of debt service on the Redevelopment Area Bonds; and

WHEREAS, the terms of any trust indenture to be entered into by the Agency in connection with the issuance of the Redevelopment Area Bonds will provide terms and provisions relating to the disbursement of proceeds of the Redevelopment Area Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

1. JSA has been designated by the Jersey City Redevelopment Agency to act as redeveloper for the Phase I Project, in accordance with the Redevelopment Plan and the plans and specifications contained in the Application, subject to the conditions and as more fully set forth in the form of Financial Agreement attached hereto. To the extent of any inconsistency with the definition of the "Phase I Project" as contained in the Redevelopment Agreement, the definition of the Phase I Project as contained herein and in the Financial Agreement shall control.
2. The Exemption Application, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with the Mayor's Recommendation, a copy of which is attached hereto as Exhibit B.
3. The Municipal Council hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because it allows for the development of a blighted site into a productive, useful and job-creating property, and further (a) the costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of the Phase I Project of \$203,679,187 and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 710 jobs during the construction period and (iii) the creation of approximately 25 permanent jobs through the permanent operation of the Improvements, and (b) without the tax exemption granted herein it is highly unlikely that the Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available.
4. An exemption from taxation is hereby granted to JS I, with respect to the Phase I Project for the term set forth in the Financial Agreement, but in no event shall the tax exemption

commence until the effective date of the Financial Agreement, nor extend beyond the earlier of (i) thirty-five (35) years from the date of the adoption of this ordinance or (ii) thirty (30) years from the Substantial Completion of the Phase I Project and only so long as the Phase I Project is owned by an entity formed and operating under the Tax Exemption Law. To the extent of any inconsistency with any prior City ordinance and/or Municipal Code provision governing the granting of long-term tax exemptions, including, *inter alia*, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior City ordinances and/or Municipal Code provisions are hereby waived (or, alternatively, shall be deemed to be amended and/or superseded by this ordinance) to the extent of such inconsistency, but only with respect to this Ordinance.

5. The Financial Agreement, in substantially the form attached hereto as Exhibit C, is approved. The Mayor or Business Administrator (Authorized Officers) are each hereby authorized to execute, on the City's behalf, the Financial Agreement in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Financial Agreement. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Authorized Officers of the City as determined hereunder and to affix the corporate seal of the City to the Financial Agreement.
6. Pursuant to the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(c) and, if applicable, N.J.S.A. 40A:12A-69, the City is hereby authorized to assign, for the benefit of the Agency and/or its bond trustee and as security for the Redevelopment Area Bonds, all of the City's right, title and interest in and to the Pledged Annual Service Charges. The Pledge Agreement, in substantially the form attached hereto as Exhibit D, is approved. The Authorized Officers, or either of them, are each hereby authorized to execute and deliver, on behalf of the City, the Pledge Agreement in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Pledge Agreement. The Authorized Officers, or either of them, are each hereby further authorized to execute and deliver, on behalf of the City, such additional instruments as they may deem, in consultation with the Corporation Counsel, to be necessary or appropriate for the purpose of effectuating such assignment. The City Clerk is hereby authorized and directed to attest to the execution of the Pledge Agreement and any such additional instruments by the Authorized Officer(s) of the City as determined hereunder and to affix the corporate seal of the City thereto.
7. Executed copies of the Financial Agreement and the Pledge Agreement shall be certified by the City Clerk and filed with the Office of the City Clerk. The Office of the City Clerk shall also forthwith file certified copies of this ordinance and the Financial Agreement with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:20-12.
8. Upon the execution of the Financial Agreement as contemplated herein, the Authorized Officers and the City Clerk are each hereby severally authorized and directed to file and record this Ordinance and the Financial Agreement with the Hudson County Register such that the Financial Agreement and this Ordinance shall be reflected upon the land records of the County of Hudson as a lien upon and a covenant running with each and every parcel of land constituting the Parcel. Pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-68(c), and notwithstanding any other law to the contrary, upon recordation of both this ordinance and the Financial Agreement, the lien thereof shall be perfected for all purposes in accordance with law and the lien shall thereafter be superior to all non-municipal liens thereafter recorded or otherwise arising, without any additional notice, recording, filing, continuation filing or action, until payment of all of the Redevelopment Area Bonds.
9. The Authorized Officers of the City are hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the City Clerk, as applicable, in their respective sole discretion, after consulting with the Corporation

Counsel, to be executed in connection with the execution and delivery of the Financial Agreement and the Pledge Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

10. The Phase I Project when completed shall conform with all Federal and State law and ordinances and regulations of the City relating to its construction and use.
11. JS I shall in the operation of the Phase I Project comply with all laws so that no person shall, because of race, religious principles, color, national origin or ancestry, be subject to any discrimination.
12. JS I shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.
13. All City officers and professionals are hereby authorized to take all necessary and appropriate steps to assist and join with JS I (i) in connection with the required application to the New Jersey Local Finance Board for approval of the issuance of the Redevelopment Area Bonds (in an aggregate principal amount up to \$10,000,000.00 for the Project) for the funding of a part of the cost of the Project and (ii) in connection with the required application to the Agency for approval of its issuance of said Redevelopment Area Bonds.
14. JS I shall pay all outstanding taxes and all outstanding water and sewer charges within thirty (30) days of the adoption of this Ordinance.
15. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.
16. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the Phase I Project is Substantially Complete.
17. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to the amount of a portion of the total taxes (land and pre-existing improvements) levied against all real property in the area covered by Phase I Project in the last full tax year in which the Property was subject to taxation, which sum is estimated to be approximately \$119,334;
 - (b) the Base Annual Service Charge, as set forth in the Financial Agreement, which sum is estimated to be approximately \$648,000 for the first year; or
 - (c) the Pledged Annual Service Charge.
18. Administrative Fee: 0.5% of the prior year's Annual Service Charge.
19. County Payment: 5% of the Annual Service Charge to be paid by JS I to the City for remittance by the City to Hudson County.
20. Project: A new mixed use market rate residential rental project, Master Condominium Unit 1, which will consist of a 54-story building having approximately 540 market-rate residential rental units, approximately 4,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 153 parking spaces, together with a pedestrian mall and public improvements and infrastructure related thereto, and will utilize an interim surface parking lot having approximately 74 parking spaces located on the adjoining Phase II property.
21. Affordable Housing Trust Fund: \$1,500 per unit or \$810,000 and \$1.50 per square foot x 4,000 square feet or \$6,000, for a total of \$816,000.

22. An obligation to execute a Project Labor Agreement and a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
23. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Phase I Project begins within two (2) years of the adoption of the within Ordinance.
- A. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- B. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This ordinance shall take effect at the time and in the manner provided by law.
- F. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

DJ/he
10/25/13

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.122

TITLE: 3.A OCT 31 2013 4.E NOV 13 2013

Ordinance approving the execution of a financial agreement with Journal Square I Urban Renewal LLC and other applicable documents related to the authorization and issuance by the Jersey City Redevelopment Agency of not to exceed \$10,000,000 redevelopment area bonds (Non-Recourse to the full faith and credit of the City) and determining various other matters in connection therewith.

RECORD OF COUNCIL VOTE ON INTRODUCTION OCT 31 2013 9-0-											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING NOV 13 2013 8-0											
Councilperson <u>RAMCHAL</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

LA VERN WEBB WASHINGTON
KABILI TAYARI
YVONNE BALCER
RAFAEL TORRES
FLETCHER GENSAMER
RIAZ WAHID
JAYSON BURG
ESTHER WINTNER
MARIA AGUILAR

PATRICK AMBROSSI
CYNITA DAVIS
CRAIG GRAY
AL SILNE
GLENN TIGER
TAURUS LORD
DONALD MALONE
SHAMMOON RAMRUP
CYNTHIA HADJIYANNIS
BECKY HOFFMAN

JOHN HANUSSAK
DAN LEVIN
SEAN CONNELLY
MIA SCANGA
RAY GREEN
PATRICK KELLEHER
JEFF KAPLOWICZ
MOHAMMED MALIK
MARCIA ADAMS
MARLENE SANDKAMP
LIDYA RADIN
PAULINE ROMAN
COLIN EGAN

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson moved to amend* Ordinance, seconded by Councilperson & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE NOV 13 2013 6-1-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	ABSTAIN		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 31 2013

Adopted on second and final reading after hearing on NOV 13 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 13 2013

Robert Byrne, City Clerk

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date NOV 13 2013

*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor
Date NOV 14 2013

Date to Mayor NOV 14 2013

City Clerk File No. Ord. 13.123

Agenda No. 3.B 1st Reading

Agenda No. 4.F 2nd Reading & Final Passage

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE "REDEVELOPMENT AREA BOND FINANCING LAW" AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS HEREINAFTER RECORDED

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.123

**TITLE: ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT
WITH JOURNAL SQUARE II URBAN RENEWAL LLC AND OTHER
APPLICABLE DOCUMENTS RELATED TO THE AUTHORIZATION AND
ISSUANCE BY THE JERSEY CITY REDEVELOPMENT AGENCY OF NOT TO
EXCEED \$10,000,000 REDEVELOPMENT AREA BONDS (NON-RECOURSE TO
THE FULL FAITH AND CREDIT OF THE CITY) AND DETERMINING VARIOUS
OTHER MATTERS IN CONNECTION THEREWITH**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, on September 11, 2013, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City"), adopted Ordinance No. 13-092, which designated various properties, including, but not limited to, Block 9501, Lots 4 (621 Pavonia Avenue), 5 (619 Pavonia Avenue), 6 (617 Pavonia Avenue), 7 (615 Pavonia Avenue), 8 (605 Pavonia Avenue), 10 (601 Pavonia Avenue), 11 (597 Pavonia Avenue), 12 (595 Pavonia Avenue), 13 (539 Summit Avenue), 14 (537 Summit Avenue), 15 (535 Summit Avenue), and 16 (136 Magnolia Avenue) as shown on the official current tax map of the City, as an area in need of redevelopment (the "Redevelopment Area" and also referred to as the "Project Premises") for purposes of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Pamphlet Laws of 1992 of the State of New Jersey (the "State"), and the acts amendatory thereof and supplemental thereto (the "Redevelopment Law", as codified by N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on July 14, 2010, the Municipal Council of the City adopted Ordinance No. 10-103, approving a redevelopment plan for the Redevelopment Area, entitled "Journal Square 2060 Redevelopment Plan" as the same may be amended and supplemented from time to time (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Area is governed by the Redevelopment Plan; and

WHEREAS, Journal Square Associates LLC ("JSA" or the "Redeveloper") is the fee title owner of the Project Premises; and

WHEREAS, the Redeveloper has made application to the Jersey City Redevelopment Agency (the "Agency") to be designated as the redeveloper to redevelop the Project Premises; and

WHEREAS, the Agency has reviewed the proposal of the Redeveloper and related submissions and has determined that it is in the Agency's best interests to select the Redeveloper as the designated redeveloper for the Project Premises for purposes of negotiating an agreement for the redevelopment of the designated area; and

WHEREAS, the Redeveloper will record a Master Deed (as the same may be amended and supplemented, the "Master Deed") to submit all of the Project Premises to the condominium form of ownership and incorporate the same as part of a condominium regime under the New Jersey Condominium Act, N.J.S.A. 46:8B-1 et seq., to be known as "Journal Squared Condominium"; and

WHEREAS, the Master Deed will create three (3) condominium units with land (common elements) proportioned to the total square footage or units in each condominium unit; and

WHEREAS, Journal Square I Urban Renewal LLC ("JS I"), wholly-owned by JSA, is or will be the owner of master condominium unit 1 located on the Project Premises, upon which JS I plans to construct phase 1 of the redevelopment plan, which is expected to consist of a 54-story building having approximately 540 market-rate residential rental units, approximately 4,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 153 parking spaces, together with a pedestrian mall and public improvements and infrastructure related thereto, and will utilize an interim surface parking lot having approximately 74 parking spaces located on the adjoining Phase II property (collectively, the "Phase I Project"); and

WHEREAS, Journal Square II Urban Renewal LLC ("JS II"), wholly-owned by JSA, is or will be the owner of master condominium unit 2 located on the Project Premises, upon which JS II plans to construct phase II of the redevelopment plan, which is expected to consist of a 70-story building having approximately 700 market-rate residential rental units, approximately 18,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 522 parking spaces (collectively, the "Phase II Project"); and

WHEREAS, Journal Square III Urban Renewal LLC ("JS III"), wholly-owned by JSA, is or will be the owner of master condominium unit 3 located on the Project Premises, upon which the Entity plans to construct phase III of the redevelopment plan, which is expected to consist of a 60-story building having approximately 600 market-rate residential rental units, approximately 14,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 245 parking spaces (collectively, the "Phase III Project" and, together with the Phase I Project and Phase II Project, the "Project"); and

WHEREAS, the Redevelopment Area requires certain on-site and off-site public improvements and infrastructure, including a pedestrian mall, certain of which will be undertaken by the Redeveloper in connection with the Phase I Project, but which benefit the entire Project, including, if and when completed, the Phase II Project and Phase III Project; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-66, a municipality that has designated a redevelopment area may provide for tax exemption within that redevelopment area and for payments in lieu of taxes in accordance with the provisions of the Long Term Tax Exemption Law of 1992, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State of New Jersey, and the Acts amendatory thereof and supplemental thereto (the "Tax Exemption Law", as codified in N.J.S.A. 40A:12A-1 et seq.); provided, however, that the provisions of section 12 of the Tax Exemption Law (N.J.S.A. 40A:20-12) establishing a minimum or maximum annual service charge and requiring staged increases in annual service charges over the term of the exemption period, and of section 13 of the Tax Exemption Law (N.J.S.A. 40A:20-13) permitting the relinquishment of status under that law, shall not apply to redevelopment projects financed with bonds; and

WHEREAS, pursuant to the Tax Exemption Law, the City is authorized to provide for tax exemption within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, JS II, the contract purchaser of condominium unit 2, under the agreement dated September 25, 2013, has submitted an application to the City for the approval of Phase II Project, as such term is used in the Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the "Exemption Application", a copy of which is attached hereto as Exhibit A); and

WHEREAS, included in the Exemption Application is a request for a tax exemption and payment in lieu of taxes pursuant to the Tax Exemption Law and the Redevelopment Bond Law; and

WHEREAS, the Exemption Application contains documentation evidencing financial responsibility and capability with respect to the proposed development; estimated total development costs; estimated time schedule for start and completion of the proposed development; and conceptual plans; and

WHEREAS, the City evaluated the Exemption Application according to criteria which included financial capabilities, experience, expertise, and project concept descriptions; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City will enter into a Financial Agreement with JS II, governing payments made to the City in lieu of real estate taxes on the Phase II Project pursuant to the Tax Exemption Law (the "Financial Agreement"); and

WHEREAS, to finance certain aspects of the Project, the Jersey City Redevelopment Agency (the "Agency") will issue bonds in an aggregate principal amount of up to \$10,000,000 (the "Redevelopment Area Bonds") pursuant to the Redevelopment Bond Law, debt service for the repayment of which Redevelopment Area Bonds will come from the Pledged Annual Service Charge (as that term is defined in the Financial Agreement attached hereto); and

WHEREAS, the City and JS II have each agreed that the Base Annual Service Charge (as that term is defined in the Financial Agreement attached hereto), which is not pledged to the payment of debt service on the Redevelopment Area Bonds, paid by JS II to the City shall be for the City's use in its sole discretion, following payment of the "County Service Charge" (as such term is defined in the Agreements attached hereto) to the County of Hudson, as required by N.J.S.A. 40A:20-12; and

WHEREAS, the City made the following findings:

In accordance with the Tax Exemption Law, specifically N.J.S.A. 40A:20-11, the City hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because the Agreement allows for the development of a blighted site into a productive, useful and job-creating property, and further:

- (a) The costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of \$249,512,439 for Phase II and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 920 jobs during the construction period and (iii) the creation of approximately 66 permanent jobs through the permanent operation of the Improvements.
- (b) Without the tax exemption granted herein it is highly unlikely that the Phase II Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available; and

WHEREAS, in order to set forth the terms and conditions under which JS II and the City (the "Parties") shall carry out their respective obligations with respect to (a) payment of the Annual Service Charge (as that term is defined in the Financial Agreement attached hereto) by JS II in lieu of real property taxes, and (b) issuance of the Redevelopment Area Bonds by the Agency and provision for repayment thereof by JS II (subject to adjustment as provided in the Financial Agreement), the Parties have determined to execute the Financial Agreement; and

WHEREAS, JS II is qualified to do business under the provisions of the Tax Exemption Law, and has submitted to the Mayor the Exemption Application, which is on file with the Office of the City Clerk, requesting a tax exemption for the Phase II Project; and

WHEREAS, the Mayor has submitted the Exemption Application and Financial Agreement to the Municipal Council with his written recommendation of approval (the "Mayor's Recommendation"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Financial Agreement contemplates that the Annual Service Charge will be paid in three (3) categories: the Base Annual Service Charge, to be retained (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS II to the City for remittance by the City to Hudson County by the City for Municipal Services as set forth in the Tax Exemption Law; and the Pledged Annual Service Charge, said payments (subject to adjustment as provided in the Financial Agreement) to be dedicated to debt service on the Redevelopment Area

Bonds issued to support certain costs of the Project, pursuant to Redevelopment Bond Law (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS II to the City for remittance by the City to Hudson County; and

WHEREAS, pursuant to the Redevelopment Bond Law, the City, in the exercise of its power under the Redevelopment Bond Law, may enter into contracts as necessary, for the purpose of securing the Redevelopment Area Bonds to finance the Project; and

WHEREAS, the Redevelopment Bond Law requires the approval of the New Jersey Local Finance Board prior to the issuance of financial instruments such as the Redevelopment Area Bonds where such financial instruments are to be secured by payments in lieu of taxes such as the Pledged Annual Service Charges (subject to adjustment as provided in the Financial Agreement); and

WHEREAS, the City believes that (a) it is in the public interest for JS II to undertake the Phase II Project; (b) the Phase II Project is for the health, welfare, convenience or betterment of the inhabitants of the City; (c) the amounts to be expended by the City for said Phase II Project are not unreasonable or exorbitant; and (d) the Phase II Project is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City further wishes to approve the execution and delivery of a Pledge and Assignment Agreement with the Agency and/or its bond trustee (the "Pledge Agreement"), which Pledge Agreement will provide for, inter alia, the pledge and assignment of the Pledged Annual Service Charge to the Agency or its bond trustee as security for the payment of debt service on the Redevelopment Area Bonds; and

WHEREAS, the terms of any trust indenture to be entered into by the Agency in connection with the issuance of the Redevelopment Area Bonds will provide terms and provisions relating to the disbursement of proceeds of the Redevelopment Area Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

1. JSA has been designated by the Jersey City Redevelopment Agency designated to act as redeveloper for the Phase II Project, in accordance with the Redevelopment Plan and the plans and specifications contained in the Application, subject to the conditions and as more fully set forth in the form of Financial Agreement attached hereto. To the extent of any inconsistency with the definition of the "Phase II Project" as contained in the Redevelopment Agreement, the definition of the Phase II Project as contained herein and in the Financial Agreement shall control.
2. The Exemption Application, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with the Mayor's Recommendation, a copy of which is attached hereto as Exhibit B.
3. The Municipal Council hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because it allows for the development of a blighted site into a productive, useful and job-creating property, and further (a) the costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of \$249,512,439 for Phase II and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 920 jobs during the construction period and (iii) the creation of approximately 66 permanent jobs through the permanent operation of the Improvements, and (b) without the tax exemption granted herein it is highly unlikely that the Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available.
4. An exemption from taxation is hereby granted to JS II, with respect to the Phase II Project for the term set forth in the Financial Agreement, but in no event shall the tax exemption

commence until the effective date of the Financial Agreement, nor extend beyond the earlier of (i) thirty-five (35) years from the date of the adoption of this ordinance or (ii) thirty (30) years from the Substantial Completion of the Phase II Project and only so long as the Phase II Project is owned by an entity formed and operating under the Tax Exemption Law. To the extent of any inconsistency with any prior City ordinance and/or Municipal Code provision governing the granting of long-term tax exemptions, including, *inter alia*, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior City ordinances and/or Municipal Code provisions are hereby waived (or, alternatively, shall be deemed to be amended and/or superseded by this ordinance) to the extent of such inconsistency, but only with respect to this Ordinance.

5. The Financial Agreement, in substantially the form attached hereto as Exhibit C, is approved. The Mayor or Business Administrator (Authorized Officers) are each hereby authorized to execute, on the City's behalf, the Financial Agreement in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Financial Agreement. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Authorized Officers of the City as determined hereunder and to affix the corporate seal of the City to the Financial Agreement.
6. Pursuant to the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(c) and, if applicable, N.J.S.A. 40A:12A-69, the City is hereby authorized to assign, for the benefit of the Agency and/or its bond trustee and as security for the Redevelopment Area Bonds, all of the City's right, title and interest in and to the Pledged Annual Service Charges. The Pledge Agreement, in substantially the form attached hereto as Exhibit D, is approved. The Authorized Officers, or either of them, are each hereby authorized to execute and deliver, on behalf of the City, the Pledge Agreement in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Pledge Agreement. The Authorized Officers, or either of them, are each hereby further authorized to execute and deliver, on behalf of the City, such additional instruments as they may deem, in consultation with the Corporation Counsel, to be necessary or appropriate for the purpose of effectuating such assignment. The City Clerk is hereby authorized and directed to attest to the execution of the Pledge Agreement and any such additional instruments by the Authorized Officer(s) of the City as determined hereunder and to affix the corporate seal of the City thereto.
7. Executed copies of the Financial Agreement and the Pledge Agreement shall be certified by the City Clerk and filed with the Office of the City Clerk. The Office of the City Clerk shall also forthwith file certified copies of this ordinance and the Financial Agreement with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:20-12.
8. Upon the execution of the Financial Agreement as contemplated herein, the Authorized Officers and the City Clerk are each hereby severally authorized and directed to file and record this Ordinance and the Financial Agreement with the Hudson County Register such that the Financial Agreement and this Ordinance shall be reflected upon the land records of the County of Hudson as a lien upon and a covenant running with each and every parcel of land constituting the Parcel. Pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-68(c), and notwithstanding any other law to the contrary, upon recordation of both this ordinance and the Financial Agreement, the lien thereof shall be perfected for all purposes in accordance with law and the lien shall thereafter be superior to all non-municipal liens thereafter recorded or otherwise arising, without any additional notice, recording, filing, continuation filing or action, until payment of all of the Redevelopment Area Bonds.
9. The Authorized Officers of the City are hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the City Clerk, as applicable, in their respective sole discretion, after consulting with the Corporation

accordance with law and the lien shall thereafter be superior to all non-municipal liens thereafter recorded or otherwise arising, without any additional notice, recording, filing, continuation filing or action, until payment of all of the Redevelopment Area Bonds.

9. The Authorized Officers of the City are hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the City Clerk, as applicable, in their respective sole discretion, after consulting with the Corporation Counsel, to be executed in connection with the execution and delivery of the Financial Agreement and the Pledge Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.
10. The Phase II Project when completed shall conform with all Federal and State law and ordinances and regulations of the City relating to its construction and use.
11. JS II shall in the operation of the Phase II Project comply with all laws so that no person shall, because of race, religious principles, color, national origin or ancestry, be subject to any discrimination.
12. JS II shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.
13. All City officers and professionals are hereby authorized to take all necessary and appropriate steps to assist and join with JS II (i) in connection with the required application to the New Jersey Local Finance Board for approval of the issuance of the Redevelopment Area Bonds (in an aggregate principal amount up to \$10,000,000.00 for the Project) for the funding of a part of the cost of the Project and (ii) in connection with the required application to the Agency for approval of its issuance of said Redevelopment Area Bonds.
14. JS II shall pay all outstanding taxes and all outstanding water and sewer charges within thirty (30) days of the adoption of this Ordinance.
15. JS II shall pay all outstanding taxes and all outstanding water and sewer charges within thirty (30) days of the adoption of this Ordinance.
16. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the Phase II Project is Substantially Complete.
17. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to the amount of a portion of the total taxes (land and pre-existing improvements) levied against all real property in the area covered by Phase II Project in the last full tax year in which the Property was subject to taxation, which sum is estimated to be approximately \$154,693; *or*
 - (b) the Base Annual Service Charge, as set forth in the Financial Agreement, which sum is estimated to be approximately \$873,600 for the first year; *and*
 - (c) the Pledged Annual Service Charge.
18. Administrative Fee: 0.5% of the prior year's Annual Service Charge.
19. County Payment: 5% of the Annual Service Charge to be paid by JS II to the City for remittance by the City to Hudson County.
20. Project: A new mixed use market rate residential rental project, Master Condominium

Unit 2, which will consist of a 70-story building having approximately 700 market-rate residential rental units, approximately 18,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 522 parking spaces.

21. Affordable Housing Trust Fund: \$1,500 per unit or \$1,050,000 and \$1.50 per square foot x 18,000 square feet or \$27,000, for a total of \$1,077,000.
22. An obligation to execute a Project Labor Agreement and a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
23. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Phase II Project begins within *eight (8)* years of the adoption of the within Ordinance.
 - A. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
 - B. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
 - C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - D. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - E. This ordinance shall take effect at the time and in the manner provided by law.
 - F. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.


DJ/he
10/25/13

APPROVED AS TO LEGAL FORM


Corporation Counsel

Certification Required ☐
Not Required ☐

APPROVED: 

APPROVED: 
Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.123

TITLE: 3.B OCT 31 2013 4.F NOV 13 2013

Ordinance approving the execution of a financial agreement with Journal Square II Urban Renewal LLC and other applicable documents related to the authorization and issuance by the Jersey City Redevelopment Agency of not to exceed \$10,000,000 redevelopment area bonds (Non-Recourse to the full faith and credit of the City) and determining various other matters in connection therewith.

RECORD OF COUNCIL VOTE ON INTRODUCTION								OCT 31 2013 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING										NOV 13 2013 8-0		
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.												
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMEN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

YVONNE BALCER
LA VERN WASHINGTON
KABILI TAYARI
FLETCHER GENSAMER
MICHAEL GRANT
JAYSON BURG
JOSHUA PARKHURST
JEFF KAPLOWICZ
COLIN EGAN

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____				& adopted							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE								NOV 13 2013 6-1-1			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMEN	ABSTAIN		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on _____

OCT 31 2013

Adopted on second and final reading after hearing on _____

NOV 13 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **NOV 13 2013**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **NOV 13 2013**

APPROVED:

Steven M. Fulop, Mayor

Date **NOV 14 2013**

Date to Mayor **NOV 14 2013**

City Clerk File No. Ord. 13.124

Agenda No. 3.C 1st Reading

Agenda No. 4.G 2nd Reading & Final Passage

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE "REDEVELOPMENT AREA BOND FINANCING LAW" AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS HEREINAFTER RECORDED

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13.124

TITLE: ORDINANCE APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT WITH JOURNAL SQUARE III URBAN RENEWAL LLC AND OTHER APPLICABLE DOCUMENTS RELATED TO THE AUTHORIZATION AND ISSUANCE BY THE JERSEY CITY REDEVELOPMENT AGENCY OF NOT TO EXCEED \$10,000,000 REDEVELOPMENT AREA BONDS (NON-RECOURSE TO THE FULL FAITH AND CREDIT OF THE CITY) AND DETERMINING VARIOUS OTHER MATTERS IN CONNECTION THEREWITH

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, on September 11, 2013, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City"), adopted Ordinance No. 092, which designated various properties, including, but not limited to, Block 9501, Lots 4 (621 Pavonia Avenue), 5 (619 Pavonia Avenue), 6 (617 Pavonia Avenue), 7 (615 Pavonia Avenue), 8 (605 Pavonia Avenue), 10 (601 Pavonia Avenue), 11 (597 Pavonia Avenue), 12 (595 Pavonia Avenue), 13 (539 Summit Avenue), 14 (537 Summit Avenue), 15 (535 Summit Avenue), and 16 (136 Magnolia Avenue) as shown on the official current tax map of the City, as an area in need of redevelopment (the "Redevelopment Area" and also referred to as the "Project Premises") for purposes of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Pamphlet Laws of 1992 of the State of New Jersey (the "State"), and the acts amendatory thereof and supplemental thereto (the "Redevelopment Law", as codified by N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, on July 14, 2010, the Municipal Council of the City adopted Ordinance No. 10-103, approving a redevelopment plan for the Redevelopment Area, entitled "Journal Square 2060 Redevelopment Plan" as the same may be amended and supplemented from time to time (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Area is governed by the Redevelopment Plan; and

WHEREAS, Journal Square Associates LLC ("JSA" or the "Redeveloper") is the fee title owner of the Project Premises; and

WHEREAS, the Redeveloper has made application to the Jersey City Redevelopment Agency (the "Agency") to be designated as the redeveloper to redevelop the Project Premises; and

WHEREAS, the Agency has reviewed the proposal of the Redeveloper and related submissions and has determined that it is in the Agency's best interests to select the Redeveloper as the designated redeveloper for the Project Premises for purposes of negotiating an agreement for the redevelopment of the designated area; and

WHEREAS, the Redeveloper will record a Master Deed (as the same may be amended and supplemented, the "Master Deed") to submit all of the Project Premises to the condominium form of ownership and incorporate the same as part of a condominium regime under the New Jersey Condominium Act, N.J.S.A. 46:8B-1 et seq., to be known as "Journal Squared Condominium"; and

WHEREAS, Journal Square I Urban Renewal LLC ("JS I"), wholly-owned by JSA, is or will be the owner of master condominium unit 1 located on the Project Premises, upon which JS I plans to construct phase 1 of the redevelopment plan, which is expected to consist of a 54-story building having approximately 540 market-rate residential rental units, approximately 4,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 153 parking spaces, together with a pedestrian mall and public improvements and infrastructure related thereto, and will utilize an interim surface parking lot having approximately 74 parking spaces located on the adjoining Phase II property (collectively, the "Phase I Project"); and

WHEREAS, Journal Square II Urban Renewal LLC ("JS II"), wholly-owned by JSA, is or will be the owner of master condominium unit 2 located on the Project Premises, upon which JS II plans to construct phase II of the redevelopment plan, which is expected to consist of a 70-story building having approximately 700 market-rate residential rental units, approximately 18,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 522 parking spaces (collectively, the "Phase II Project"); and

WHEREAS, Journal Square III Urban Renewal LLC ("JS III"), wholly-owned by JSA, is or will be the owner of master condominium unit 3 located on the Project Premises, upon which the Entity plans to construct phase III of the redevelopment plan, which is expected to consist of a 60-story building having approximately 600 market-rate residential rental units, approximately 14,000 square feet of leasing space and potential future commercial space, and a parking garage containing approximately 245 parking spaces (collectively, the "Phase III Project" and, together with the Phase I Project and Phase II Project, the "Project"); and

WHEREAS, the Redevelopment Area requires certain on-site and off-site public improvements and infrastructure, including a pedestrian mall, certain of which will be undertaken by the Redeveloper in connection with the Phase I Project, but which benefit the entire Project, including, if and when completed, the Phase II Project and Phase III Project;

WHEREAS, pursuant to N.J.S.A. 40A:12A-66, a municipality that has designated a redevelopment area may provide for tax exemption within that redevelopment area and for payments in lieu of taxes in accordance with the provisions of the Long Term Tax Exemption Law of 1992, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State of New Jersey, and the Acts amendatory thereof and supplemental thereto (the "Tax Exemption Law", as codified in N.J.S.A. 40A:12A-1 et seq.); provided, however, that the provisions of section 12 of the Tax Exemption Law (N.J.S.A. 40A:20-12) establishing a minimum or maximum annual service charge and requiring staged increases in annual service charges over the term of the exemption period, and of section 13 of the Tax Exemption Law (N.J.S.A. 40A:20-13) permitting the relinquishment of status under that law, shall not apply to redevelopment projects financed with bonds; and

WHEREAS, pursuant to the Tax Exemption Law, the City is authorized to provide for tax exemption within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, JS III, the contract purchaser of condominium unit 3, under the agreement dated September 25, 2013, has submitted an application to the City for the approval of a Phase III Project, as such term is used in the Tax Exemption Law, all in accordance with N.J.S.A. 40A:20-8 (the "Exemption Application", a copy of which is attached hereto as Exhibit A); and

WHEREAS, included in the Exemption Application is a request for a tax exemption and payment in lieu of taxes pursuant to the Tax Exemption Law and the Redevelopment Bond Law; and

WHEREAS, the Exemption Application contains documentation evidencing financial responsibility and capability with respect to the proposed development; estimated total development costs; estimated time schedule for start and completion of the proposed development; and conceptual plans; and

WHEREAS, the City evaluated the Exemption Application according to criteria which included financial capabilities, experience, expertise, and project concept descriptions; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City will enter into a Financial Agreement with JS III, governing payments made to the City in lieu of real estate taxes on the Phase III Project pursuant to the Tax Exemption Law (the "Financial Agreement"); and

WHEREAS, to finance certain aspects of the Project, the Jersey City Redevelopment Agency (the "Agency") will issue bonds in an aggregate principal amount of up to \$10,000,000 (the "Redevelopment Area Bonds") pursuant to the Redevelopment Bond Law, debt service for the repayment of which Redevelopment Area Bonds will come from the Pledged Annual Service Charge (as that term is defined in the Financial Agreement attached hereto); and

WHEREAS, the City and JS III have each agreed that the Base Annual Service Charge (as that term is defined in the Financial Agreement attached hereto), which is not pledged to the payment of debt service on the Redevelopment Area Bonds, paid by JS III to the City shall be for the City's use in its sole discretion, following payment of the "County Service Charge" (as such term is defined in the Agreements attached hereto) to the County of Hudson, as required by N.J.S.A. 40A:20-12; and

WHEREAS, the City made the following findings:

In accordance with the Tax Exemption Law, specifically N.J.S.A. 40A:20-11, the City hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because the Agreement allows for the development of a blighted site into a productive, useful and job-creating property, and further:

- (a) The costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of \$212,793,640 for Phase III and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 790 jobs during the construction period and (iii) the creation of approximately 57 permanent jobs through the permanent operation of the Improvements.
- (b) Without the tax exemption granted herein it is highly unlikely that the Phase III Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available; and

WHEREAS, in order to set forth the terms and conditions under which JS III and the City (the "Parties") shall carry out their respective obligations with respect to (a) payment of the Annual Service Charge (as that term is defined in the Financial Agreement attached hereto) by JS III in lieu of real property taxes, and (b) issuance of the Redevelopment Area Bonds by the Agency and provision for repayment thereof by JS III (subject to adjustment as provided in the Financial Agreement), the Parties have determined to execute the Financial Agreement; and

WHEREAS, JS III is qualified to do business under the provisions of the Tax Exemption Law, and has submitted to the Mayor the Exemption Application, which is on file with the Office of the City Clerk, requesting a tax exemption for the Phase III Project; and

WHEREAS, the Mayor has submitted the Exemption Application and Financial Agreement to the Municipal Council with his written recommendation of approval (the "Mayor's Recommendation"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Financial Agreement contemplates that the Annual Service Charge will be paid in three (3) categories: the Base Annual Service Charge, to be retained (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS III to the City for remittance by the City to Hudson County by the City for Municipal Services as set forth in the Tax Exemption Law; and the Pledged Annual Service Charge, said payments (subject to adjustment as provided in the Financial Agreement) to be dedicated to debt service on the Redevelopment Area Bonds issued to support certain costs of the Project, pursuant to Redevelopment Bond Law (in addition to payment of the County Service Charge), and the County Annual Service Charge paid by JS III to the City for remittance by the City to Hudson County; and

WHEREAS, pursuant to the Redevelopment Bond Law, the City, in the exercise of its power under the Redevelopment Bond Law, may enter into contracts as necessary, for the purpose of securing the Redevelopment Area Bonds to finance the Project; and

WHEREAS, the Redevelopment Bond Law requires the approval of the New Jersey Local Finance Board prior to the issuance of financial instruments such as the Redevelopment Area Bonds where such financial instruments are to be secured by payments in lieu of taxes such as the Pledged Annual Service Charges (subject to adjustment as provided in the Financial Agreement); and

WHEREAS, the City believes that (a) it is in the public interest for JS III to undertake the Phase III Project; (b) the Phase III Project is for the health, welfare, convenience or betterment of the inhabitants of the City; (c) the amounts to be expended by the City for said Phase III Project are not unreasonable or exorbitant; and (d) the Phase III Project is an efficient and feasible means of providing services for the needs of the inhabitants of the City and will not create an undue financial burden to be placed upon the City; and

WHEREAS, the City further wishes to approve the execution and delivery of a Pledge and Assignment Agreement with the Agency and/or its bond trustee (the "Pledge Agreement"), which Pledge Agreement will provide for, *inter alia*, the pledge and assignment of the Pledged Annual Service Charge to the Agency or its bond trustee as security for the payment of debt service on the Redevelopment Area Bonds; and

WHEREAS, the terms of any trust indenture to be entered into by the Agency in connection with the issuance of the Redevelopment Area Bonds will provide terms and provisions relating to the disbursement of proceeds of the Redevelopment Area Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

1. JSA has been designated by the Jersey City Redevelopment Agency designated to act as redeveloper for the Phase III Project, in accordance with the Redevelopment Plan and the plans and specifications contained in the Application, subject to the conditions and as more fully set forth in the form of Financial Agreement attached hereto. To the extent of any inconsistency with the definition of the "Phase III Project" as contained in the Redevelopment Agreement, the definition of the Phase III Project as contained herein and in the Financial Agreement shall control.
2. The Exemption Application, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with the Mayor's Recommendation, a copy of which is attached hereto as Exhibit B.
3. The Municipal Council hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the City and its citizens because it allows for the development of a blighted site into a productive, useful and job-creating property, and further (a) the costs associated to the City with the tax exemption granted herein are minor compared to the estimated Total Project Cost of \$212,793,640 for Phase III and the benefit created by (i) the construction of the Improvements, (ii) the creation of approximately 790 jobs during the construction period and (iii) the creation of approximately 57 permanent jobs through the permanent operation of the Improvements, and (b) without the tax exemption granted herein it is highly unlikely that the Project would otherwise be undertaken, as a source of funding all or a portion of the costs thereof, other than from the proceeds of the Redevelopment Area Bonds, would not otherwise be available.
4. An exemption from taxation is hereby granted to JS III, with respect to the Phase III Project for the term set forth in the Financial Agreement, but in no event shall the tax exemption commence until the effective date of the Financial Agreement, nor extend beyond the earlier of (i) thirty-five (35) years from the date of the adoption of this ordinance or (ii) thirty (30) years from the Substantial Completion of the Phase III Project and only so long as the Phase

III Project is owned by an entity formed and operating under the Tax Exemption Law. To the extent of any inconsistency with any prior City ordinance and/or Municipal Code provision governing the granting of long-term tax exemptions, including, inter alia, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior City ordinances and/or Municipal Code provisions are hereby waived (or, alternatively, shall be deemed to be amended and/or superseded by this ordinance) to the extent of such inconsistency, but only with respect to this Ordinance.

5. The Financial Agreement, in substantially the form attached hereto as Exhibit C, is approved. The Mayor or Business Administrator (Authorized Officers) are each hereby authorized to execute, on the City's behalf, the Financial Agreement in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Financial Agreement. The City Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Authorized Officers of the City as determined hereunder and to affix the corporate seal of the City to the Financial Agreement.
6. Pursuant to the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(c) and, if applicable, N.J.S.A. 40A:12A-69, the City is hereby authorized to assign, for the benefit of the Agency and/or its bond trustee and as security for the Redevelopment Area Bonds, all of the City's right, title and interest in and to the Pledged Annual Service Charges. The Pledge Agreement, in substantially the form attached hereto as Exhibit D, is approved. The Authorized Officers, or either of them, are each hereby authorized to execute and deliver, on behalf of the City, the Pledge Agreement in substantially such form, with such changes as the Authorized Officers shall determine; in consultation with the Corporation Counsel, such determination to be conclusively evidenced by their execution of the Pledge Agreement. The Authorized Officers, or either of them, are each hereby further authorized to execute and deliver, on behalf of the City, such additional instruments as they may deem, in consultation with the Corporation Counsel, to be necessary or appropriate for the purpose of effectuating such assignment. The City Clerk is hereby authorized and directed to attest to the execution of the Pledge Agreement and any such additional instruments by the Authorized Officer(s) of the City as determined hereunder and to affix the corporate seal of the City thereto.
7. Executed copies of the Financial Agreement and the Pledge Agreement shall be certified by the City Clerk and filed with the Office of the City Clerk. The Office of the City Clerk shall also forthwith file certified copies of this ordinance and the Financial Agreement with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:20-12.
8. Upon the execution of the Financial Agreement as contemplated herein, the Authorized Officers and the City Clerk are each hereby severally authorized and directed to file and record this Ordinance and the Financial Agreement with the Hudson County Register such that the Financial Agreement and this Ordinance shall be reflected upon the land records of the County of Hudson as a lien upon and a covenant running with each and every parcel of land constituting the Parcel. Pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-68(c), and notwithstanding any other law to the contrary, upon recordation of both this ordinance and the Financial Agreement, the lien thereof shall be perfected for all purposes in accordance with law and the lien shall thereafter be superior to all non-municipal liens thereafter recorded or otherwise arising, without any additional notice, recording, filing, continuation filing or action, until payment of all of the Redevelopment Area Bonds.
9. The Authorized Officers of the City are hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the City Clerk, as applicable, in their respective sole discretion, after consulting with the Corporation Counsel, to be executed in connection with the execution and delivery of the Financial Agreement and the Pledge Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution

9. The Authorized Officers of the City are hereby further severally authorized and directed to (i) execute and deliver, and the City Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the City to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the City Clerk, as applicable, in their respective sole discretion, after consulting with the Corporation Counsel, to be executed in connection with the execution and delivery of the Financial Agreement and the Pledge Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.
10. The Phase III Project when completed shall conform with all Federal and State law and ordinances and regulations of the City relating to its construction and use.
11. JS III shall in the operation of the Phase III Project comply with all laws so that no person shall, because of race, religious principles, color, national origin or ancestry, be subject to any discrimination.
12. JS III shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.
13. All City officers and professionals are hereby authorized to take all necessary and appropriate steps to assist and join with JS III (i) in connection with the required application to the New Jersey Local Finance Board for approval of the issuance of the Redevelopment Area Bonds (in an aggregate principal amount up to \$10,000,000.00 for the Project) for the funding of a part of the cost of the Project and (ii) in connection with the required application to the Agency for approval of its issuance of said Redevelopment Area Bonds.
14. JS III shall pay all outstanding taxes and all outstanding water and sewer charges within thirty (30) days of the adoption of this Ordinance.
15. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.
16. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the Phase III Project is Substantially Complete.
17. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to the amount of a portion of the total taxes (land and pre-existing improvements) levied against all real property in the area covered by Phase III Project in the last full tax year in which the Property was subject to taxation, which sum is estimated to be approximately \$132,594; *or*
 - (b) the Base Annual Service Charge, as set forth in the Financial Agreement, which sum is estimated to be approximately \$1,071,600 for the first year; *and*
 - (c) the Pledged Annual Service Charge.
18. Administrative Fee: 0.5% of the prior year's Annual Service Charge.
19. County Payment: 5% of the Annual Service Charge to be paid by JS III to the City for remittance by the City to Hudson County.
20. Project: A new mixed use market rate residential rental project, Master Condominium Unit 3, which will consist of a 60-story building having approximately 600 market-rate residential rental units, approximately 14,000 square feet of leasing space and potential future commercial space, a parking garage containing approximately 245 parking spaces.

21. Affordable Housing Trust Fund: \$1,500 per unit or \$900,000 and \$1.50 per square foot x 14,000 square feet or \$21,000, for a total of \$921,000.
22. An obligation to execute a Project Labor Agreement and a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
23. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the Phase III Project begins within *sixteen (16)* years of the adoption of the within Ordinance.
- A. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- B. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- C. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- D. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- E. This ordinance shall take effect at the time and in the manner provided by law.
- F. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

DJ/he
10/25/13

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Corporation Counsel

Business Administrator

Ordinance of the City of Jersey City, N.J.



ORDINANCE NO. Ord. 13.124

TITLE: 3.C OCT 31 2013 4.G NOV 13 2013

Ordinance approving the execution of a financial agreement with Journal Square III Urban Renewal LLC and other applicable documents related to the authorization and issuance by the Jersey City Redevelopment Agency of not to exceed \$10,000,000 redevelopment area bonds (Non-Recourse to the full faith and credit of the City) and determining various other matters in connection therewith.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 31 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
NOV 13 2013 8-0											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>LAVARRO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson <u>COLEMAN</u> moved to amend* Ordinance, seconded by Councilperson <u>LAVARRO</u> & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
NOV 13 2013 6-1-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMANN	ABSTAIN		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on OCT 31 2013

Adopted on second and final reading after hearing on NOV 13 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 13 2013

Robert Byrne
Robert Byrne, City Clerk

APPROVED:

Richard R. Lavarro, Jr.
Richard R. Lavarro, Jr., Council President

Date NOV 13 2013

APPROVED:

Steven M. Fulop
Steven M. Fulop, Mayor

Date NOV 14 2013

Date to Mayor NOV 14 2013

*Amendment(s):